

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application )

of )

MOLOKAI PUBLIC UTILITIES, INC. )

For review and approval of rate )  
increases; revised rate schedules; and )  
revised rules. )

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Docket No. 2009-0048

PUBLIC UTILITIES  
COMMISSION

2009 NOV 23 P 2:23

FILED

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES  
TO COUNTY OF MAUI'S INFORMATION REQUESTS  
TO MOLOKAI PUBLIC UTILITIES, INC.**

and

**CERTIFICATE OF SERVICE**

MORIHARA LAU & FONG LLP

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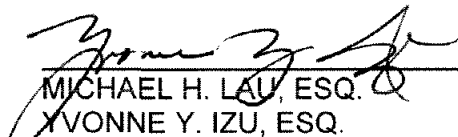
BEFORE THE PUBLIC UTILITIES COMMISSION  
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**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES  
TO COUNTY OF MAUI'S INFORMATION REQUESTS  
TO MOLOKAI PUBLIC UTILITIES, INC.**

COMES NOW, MOLOKAI PUBLIC UTILITIES, INC. ("MPU"), by and through its attorneys, Morihara Lau & Fong LLP, hereby submit its Responses to the County of Maui's Information Requests consistent with the Stipulated Regulatory Schedule (Exhibit "A") contained in the Stipulated Prehearing Order, filed on November 6, 2009.

DATED: Honolulu, Hawaii, November 23, 2009.

  
\_\_\_\_\_  
MICHAEL H. LAU, ESQ.  
YVONNE Y. IZU, ESQ.

Morihara Lau & Fong LLP  
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

Please provide responses and copies of documents to the following requests:

County-IR-1: Corporate documents, including articles of incorporation, by-laws, and any amendments to same.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-2: Minutes of all shareholder meetings from January 2000 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-3: Minutes of all board of directors meetings from January 2000 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-4: Corporate records reflecting the issuance of stock certificates to any person or entity, the dates of issue, the consideration paid or promised for the stock, and the date(s) on which the consideration was paid or promised.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-5: Financials, including MPU's audited financial statements. If none exist, then provide all unaudited financials for the period January 2000 to the present.

**RESPONSE:** MPU's audited financial statements for fiscal year ended 2008 is attached to MPU's Amended Application filed on June 29, 2009 as Exhibit MPU2, Schedule 4, and is incorporated herein by reference. Given that MPU is a small utility and its results are reported on a consolidated basis, MPU has no other audited financial statements. MPU objects to the production of unaudited financial statements for the rest of the period requested by the County on the basis that such request is overbroad in nature and is irrelevant in the context of this rate case.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-6: For each bank account maintained in the name of MPU, a copy of all monthly statements for the period January 2000 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

**SPONSOR:** Robert O'Brien



**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-7: State and federal tax returns for the period January 2000 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding. Moreover, even if some of the requested information may be relevant, the time period requested by the County prior to MPU's last rate case is irrelevant and would provide no useful information to the relevant issues of this proceeding. Notwithstanding the foregoing and without waiving any right or objection thereto, please refer to MPU's response to CA-IR-14a.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-8: All documents evidencing loans or any transfers among or between MPU and any one or more of the following entities for the period January 2000 to the present:

a. Molokai Properties, Ltd. ("MPL")

**RESPONSE:** There are no documents evidencing loans among or between MPU and MPL. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in MPU's general ledger and on its financial statements.

b. Wai'ola O Moloka'i, Inc. ("WOM")

**RESPONSE:** There are no documents evidencing loans among or between MPU and WOM. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in MPU's general ledger and on its financial statements.

c. Mosco, Inc. ("Mosco")

**RESPONSE:** There are no documents evidencing loans among or between MPU and MOSCO. Transactions between the affiliated companies are conducted through an intercompany account which reflect the net due from affiliate or due to affiliate as appropriate would be reflected in MPU's general ledger and on its financial statements.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-9: All documents evidencing leases, purchases, sales, assignments, or transfers of land or other assets among or between MPU and any one or more of the following for the period January 2000 to the present:

a. MPL

**RESPONSE:** The Company is not aware of any leases, purchases, sales, assignments or transfers of land or other assets among or between MPU and MPL or the other affiliates, other than normal transactions for activities in the normal course of business such as regulated water sales where MPL or the affiliates are customers of MPU or where MPU provides a service such as the treatment of water for WOM. Other than the tariff approved by the Commission, the Company is not aware of any signed documents for those services.

b. WOM

**RESPONSE:** See response to part "a" above.

c. Mosco

**RESPONSE:** See response to part "a" above.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-10: All documents evidencing loans, notes payable, or loans guaranteed by MPL for the benefit of MPU for the period January 2000 to the present.

**RESPONSE:** Please refer to Exhibit MPU 2, Schedule 6 of the Amended Application in which MPU indicates that it has "no promissory notes, bonds, or other indebtedness. See also MPU's response to WMA-IR-206.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-11: All documents reflecting the assets of MPU and the identity of all people or entities who exercise control over MPU's assets.

**RESPONSE:** MPU objects to this information request on the basis that it is vague and ambiguous. Without waiving any right or objection thereto, please refer to Exhibit MPU 9-2 attached to MPU's Amended Application for a listing of MPU's plant in service.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-12: All submissions concerning water and wastewater by MPU to any government authority, including the State of Hawaii, the Public Utilities Commission, and/or the County of Maui for the period January 2000 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is vague and ambiguous. For example, MPU is not in the wastewater business, so the relevancy of the question concerning wastewater is questionable. Moreover, without more specificity to the County's request, MPU would also object on the basis that the information may not be relevant to the issues set forth in the Procedural Order approved by the Commission on November 6, 2009. Finally, MPU further objects to this information request on the basis that it is overbroad given the period that information is being sought from precedes MPU's last rate case in 2003.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-13: All corporate organization charts and/or other documents reflecting employees of MPU and their responsibilities.

**RESPONSE:** See Confidential Attachment CA-IR-31a(1), filed under and subject to Amended Protective Order issued in this docket on November \_\_, 2009.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-14: All contracts, agreements, or other arrangements by and between  
MPU and any one or more of the following for the period January  
2000 to the present:

a. MPL

**RESPONSE:** See response to County-IR-9a.

b. WOM

**RESPONSE:** See response to County-IR-9a.

c. Mosco

**RESPONSE:** See response to County-IR-9a.

**SPONSOR:** Robert O'Brien



**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-15: Customer lists for the period January 1, 2007 to the present.

**RESPONSE:** MPU objects to responding to this information request on the basis that it is irrelevant to the issues set forth in the Prehearing Order approved by the Commission on November 6, 2009.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-16: Invoices for utility services to customers for the period January 1, 2007 to the present.

**RESPONSE:** The Company is working to accumulate the data to provide the information requested, but will not be able to provide a response until the week of November 30, 2009.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-17: All documents evidencing payments made by MPL for utility services provided to MPL by MPU.

**RESPONSE:** The Company does not maintain its records so it can determine which utility customers are owned by or associated with MPL and therefore cannot provide the information required without a customer by customer review of the customer records and then another review of the billing records which would be unduly burdensome.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-18: All documents evidencing charges for utility services provided to MPL  
by MPU that were not paid.

**RESPONSE:** The Company is not aware of any utility services provided to MPL that  
have not been billed and paid for by MPL to MPU.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-19: All documents demonstrating efforts since May 27, 2008 to obtain a Water Use Permit for Well 17 from the Commission on Water Resource Management.

**RESPONSE:** Please refer to MPU's responses to CA-IR-5.

**SPONSOR:** Robert O'Brien

**MOLOKAI PUBLIC UTILITIES, INC.'S RESPONSES TO  
COUNTY OF MAUI'S INFORMATION REQUESTS TO  
MOLOKAI PUBLIC UTILITIES, INC. ("MPU")**

**DOCKET NO. 2009-0048**

County-IR-20: All documents demonstrating efforts since April 9, 2008 to obtain an environmental assessment or environmental impact statement for the use of excess space in the Molokai Irrigation System transmission pipeline.

**RESPONSE:** Please refer to MPU's response to CA-IR-6.

**SPONSOR:** Robert O'Brien

CERTIFICATE OF SERVICE

I (we) hereby certify that copies of the foregoing document were duly served on the following parties, by having said copies delivered as set forth below:

MS. CATHERINE P. AWAKUNI  
Executive Director  
Department of Commerce and Consumer Affairs  
Division of Consumer Advocacy  
335 Merchant Street, Suite 326  
Honolulu, Hawaii 96813

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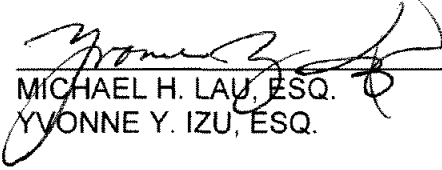
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Attorney for MOLOKAI PROPERTIES LIMITED

DATED: Honolulu, Hawai'i, November 23, 2009.

  
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YVONNE Y. IZU, ESQ.

Morihara Lau & Fong LLP  
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.